

111TH CONGRESS  
1ST SESSION

# H. R. 1102

To require full funding of the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act.

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2009

Mr. VAN HOLLEN (for himself, Mr. GEORGE MILLER of California, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CARNAHAN, Mr. CARNEY, Mr. CARSON of Indiana, Ms. CASTOR of Florida, Mr. CHANDLER, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. COSTELLO, Mr. COURTNEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFazio, Mr. DELAHUNT, Mr. DOYLE, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. ENGEL, Mr. ETHERIDGE, Mr. FRANK of Massachusetts, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HARE, Mr. HIGGINS, Mr. HINOJOSA, Mr. HOLT, Mr. HONDA, Mr. KAGEN, Ms. KILPATRICK of Michigan, Mr. KLEIN of Florida, Mr. KUCINICH, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Mr. LOEBSACK, Mr. LYNCH, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. McDERMOTT, Mr. McGOVERN, Mr. McMAHON, Ms. MOORE of Wisconsin, Mr. MURPHY of Connecticut, Mr. TIM MURPHY of Pennsylvania, Mr. ORTIZ, Mr. PALLONE, Mr. POLIS of Colorado, Mr. REYES, Mr. RODRIGUEZ, Mr. ROSS, Mr. ROTHMAN of New Jersey, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, Mr. SESTAK, Mr. SIRES, Mr. STARK, Ms. SUTTON, Mr. TIERNEY, Mr. WEXLER, Mr. WILSON of Ohio, Ms. WOOLSEY, Mr. WU, and Mr. YARMUTH) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

# A BILL

To require full funding of the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Keep Our Promise to  
5 America’s Children and Teachers Act” or the “Keep Our  
6 PACT Act”.

7 **SEC. 2. FINDINGS.**

8 The Congress finds as follows:

9 (1) Children are our Nation’s future and great-  
10 est treasure.

11 (2) A high-quality education is the surest way  
12 for every child to reach his or her full potential.

13 (3) The No Child Left Behind Act represents  
14 the most sweeping revision of education policy in a  
15 generation.

16 (4) Since 2002, part A of title I of the No  
17 Child Left Behind Act has been funded at  
18 \$54,679,000,000 below its authorized level.

19 (5) The Individuals with Disabilities Education  
20 Act guarantees all children with disabilities a first-  
21 rate education.

1           (6) The Individuals with Disabilities Education  
 2       Improvement Act committed the Congress to pro-  
 3       viding 40 percent of the national current average per  
 4       pupil expenditure for special education students.

5           (7) Since its reauthorization in 2004, the Indi-  
 6       viduals with Disabilities Education Act has been  
 7       funded at \$20,271,000,000 below its authorized  
 8       level.

9           (8) A promise made must be a promise kept.

10   **SEC. 3. FULL FUNDING OF THE NO CHILD LEFT BEHIND**  
 11                   **ACT OF 2001.**

12       (a) FUNDING.—There are appropriated, out of any  
 13       money in the Treasury not otherwise appropriated—

14           (1) for fiscal year 2009, an amount that equals  
 15       the difference between—

16           (A) the amount appropriated for fiscal  
 17       year 2009 for programs under the Elementary  
 18       and Secondary Education Act of 1965, as  
 19       amended by the No Child Left Behind Act of  
 20       2001, and

21           (B) \$30,235,088,000 or the full amount  
 22       authorized to be appropriated for that fiscal  
 23       year for those programs, whichever is higher;

24           (2) for fiscal year 2010, an amount that equals  
 25       the difference between—

1           (A) the amount appropriated for fiscal  
2           year 2010 for programs under the Elementary  
3           and Secondary Education Act of 1965, as  
4           amended by the No Child Left Behind Act of  
5           2001, and

6           (B) \$36,053,055,000 or the full amount  
7           authorized to be appropriated for that fiscal  
8           year for those programs, whichever is higher;

9           (3) for fiscal year 2011, an amount that equals  
10          the difference between—

11           (A) the amount appropriated for fiscal  
12           year 2011 for programs under the Elementary  
13           and Secondary Education Act of 1965, as  
14           amended by the No Child Left Behind Act of  
15           2001, and

16           (B) \$41,871,022,000 or the full amount  
17           authorized to be appropriated for that fiscal  
18           year for those programs, whichever is higher;

19           (4) for fiscal year 2012, an amount that equals  
20          the difference between—

21           (A) the amount appropriated for fiscal  
22           year 2012 for programs under the Elementary  
23           and Secondary Education Act of 1965, as  
24           amended by the No Child Left Behind Act of  
25           2001, and

1 (B) \$47,688,988,000 or the full amount  
2 authorized to be appropriated for that fiscal  
3 year for those programs, whichever is higher;

4 (5) for fiscal year 2013, an amount that equals  
5 the difference between—

6 (A) the amount appropriated for fiscal  
7 year 2013 for programs under the Elementary  
8 and Secondary Education Act of 1965, as  
9 amended by the No Child Left Behind Act of  
10 2001, and

11 (B) \$53,506,955,000 or the full amount  
12 authorized to be appropriated for that fiscal  
13 year for those programs, whichever is higher;  
14 and

15 (6) for fiscal year 2014, an amount that equals  
16 the difference between—

17 (A) the amount appropriated for fiscal  
18 year 2014 for programs under the Elementary  
19 and Secondary Education Act of 1965, as  
20 amended by the No Child Left Behind Act of  
21 2001, and

22 (B) \$59,324,922,000 or the full amount  
23 authorized to be appropriated for that fiscal  
24 year for those programs, whichever is higher.

1 (b) USE OF FUNDS.—Funds appropriated under sub-  
 2 section (a)—

3 (1) shall be used to carry out the programs of  
 4 the Elementary and Secondary Education Act of  
 5 1965, as amended by the No Child Left Behind Act  
 6 of 2001; and

7 (2) shall be allocated among such programs in  
 8 the same ratio as funds otherwise appropriated to  
 9 carry out such programs.

10 **SEC. 4. MANDATORY FUNDING OF THE INDIVIDUALS WITH**  
 11 **DISABILITIES EDUCATION ACT.**

12 (a) IN GENERAL.—Section 611(i) of the Individuals  
 13 with Disabilities Education Act (20 U.S.C. 1411(i)) is  
 14 amended to read as follows:

15 “(i) MANDATORY FUNDING.—For the purpose of car-  
 16 rying out this part, other than section 619, there are ap-  
 17 propriated, out of any money in the Treasury not other-  
 18 wise appropriated—

19 “(1) \$12,441,723,000 for fiscal year 2009;

20 “(2) \$14,139,877,000 for fiscal year 2010;

21 “(3) \$16,069,810,000 for fiscal year 2011;

22 “(4) \$18,263,157,000 for fiscal year 2012;

23 “(5) \$20,755,871,000 for fiscal year 2013;

24 “(6) \$23,588,812,000 for fiscal year 2014;

25 “(7) \$26,808,417,000 for fiscal year 2015;

1 “(8) \$30,467,462,000 for fiscal year 2016; and

2 “(9) for fiscal year 2017 and each subsequent

3 fiscal year—

4 “(A) the number of children with disabil-

5 ities in the prior school year in the States, out-

6 lying areas, and freely associated States who re-

7 ceived special education and related services—

8 “(i) aged 3 through 5 if the States,

9 outlying areas, and freely associated States

10 are eligible for a grant under section 619;

11 and

12 “(ii) aged 6 through 21; multiplied by

13 “(B) 40 percent of the average per-pupil

14 expenditure in public elementary schools and

15 secondary schools in the United States; ad-

16 justed by

17 “(C) the rate of annual change in the sum

18 of—

19 “(i) 85 percent of such State’s, out-

20 lying areas, and freely associated State’s

21 population described in subsection

22 (d)(3)(A)(i)(II).”.

23 (b) EFFECTIVE DATE.—The amendment made by

24 subsection (a) shall take effect on October 1, 2008.

1 **SEC. 5. OFFSET.**

2       The amounts appropriated by this Act and the  
3 amendments made by this Act shall be expended con-  
4 sistent with pay-as-you-go requirements.

○